

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

Civil Action No. 12-cv-00487-MOC-DCK

DAVID HOLMES, HERTA S. THEBERGE,
MARGUERITE K. POTTER, and the
MARGUERIT K. POTTER REVOCABLE
TRUST, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

BANK OF AMERICA, N.A., in its own
capacity and as successor by merger to
BAC Home Loans Servicing, L.P., SEATTLE
SPECIALTY INSURANCE SERVICES,
INC., in its own capacity and as successor in
interest to COUNTRYWIDE INSURANCE
SERVICES, INC., ILLINOIS UNION
INSURANCE COMPANY, and CERTAIN
UNDERWRITERS AT LLOYD'S LONDON,
including all underwriters who underwrote
force-placed wind insurance policies for Bank
of America, as the insured during the
applicable limitations period and LLOYD'S
UNDERWRITERS AT, LONDON,

Defendants.

**CONSENT MOTION FOR EXTENSION
OF TIME TO RESPOND TO
PLAINTIFFS' FIRST AMENDED
COMPLAINT**

Defendants Bank of America, N.A., in its own capacity and as successor by merger to BAC Home Loans Servicing, L.P ("Bank of America"), Seattle Specialty Insurance Services, Inc. in its own capacity and as successor in interest to Countrywide Insurance Services, Inc. ("Seattle Specialty"), and Illinois Union Insurance Company ("Illinois Union"), (collectively "Defendants"), moves with the consent of Plaintiffs for an extension of time to respond to Plaintiffs' First Amended Class Action Complaint up to and including December 17, 2012. In support thereof, Defendants state as follows:

1. On October 30, 2012, Plaintiffs filed their First Amended Class Action Complaint containing 190 numbered paragraphs.

2. Plaintiffs' First Amended Class Action Complaint named three new Plaintiffs, three new Defendants, and asserted two additional claims for relief.

3. Bank of America and Illinois Union, were served with the First Amended Class Action Complaint on October 30, 2012, and their responses are currently due on November 16, 2012.

4. Seattle Specialty was served with the First Amended Class Action Complaint on November 5, 2012, and its response is currently due November 26, 2012.

5. Counsel for Defendants require additional time to prepare their responses to Plaintiffs' First Amended Class Action Complaint.

6. Counsel for Defendants have consulted with Plaintiffs' counsel, who has consented to this Motion and the proposed extension up to and including December 17, 2012 for Defendants' responses to Plaintiffs' First Amended Class Action Complaint.

7. The time for responding to Plaintiffs' First Amended Class Action Complaint has not expired.

8. This Motion is made in good faith and not for the purpose of delay.

Dated: November 8, 2012

Respectfully submitted:

<p><u>/s/ Steven N. Baker</u> Bradley R. Kutrow, NC Bar No. 13851 bkutrow@mcguirewoods.com Brian A. Kahn, NC Bar No. 29291 bkahn@mcguirewoods.com Steven N. Baker, NC Bar No. 36607 sbaker@mcguirewoods.com MCGUIREWOODS LLP 201 N. Tryon Street, Suite 3000 Charlotte, NC 28202 T: (704) 343-2262 F: (704) 353-6172</p> <p>David L. Permut (<i>pro hac vice</i>) dpermut@goodwinprocter.com GOODWIN PROCTER LLP 901 New York Avenue, NW Washington, DC 20001 T: (202) 346-4182 F: (202) 346-4444</p> <p>Matthew G. Lindenbaum (<i>pro hac vice</i>) mlindenbaum@goodwinprocter.com Brian M. LaMacchia (<i>pro hac vice</i>) blamacchia@goodwinprocter.com David S. Kantrowitz (<i>pro hac vice</i>) dkantrowitz@goodwinprocter.com GOODWIN PROCTER LLP Exchange Place Boston, MA 02109 T: (617) 570-8318 F: (617) 523-1231</p> <p><i>Attorneys for Defendant Bank of America, N.A., for itself and as successor by merger to BAC Home Loans Servicing, L.P.</i></p>	<p><u>s/ David L. Brown</u> David L. Brown, NC Bar No. 18942 dbrown@nldhlaw.com Brady A. Yntema, NC Bar No. 25771 byntema@nldhlaw.com NELSON LEVINE DELUCA & HAMILTON LLC 800 Green Valley Road, Suite 302 Greensboro, NC 27408 T: (336) 419-4900 F: (336) 419-4950</p> <p>Eric R. Dinallo (<i>pro hac vice</i>) edinallo@debevoise.com Robert D. Goodman (<i>pro hac vice</i>) rdgoodman@debevoise.com DEBEVOISE & PLIMPTON, LLP 919 Third Avenue New York, NY 10022 T: (212) 909-6000 F: (212) 521-7967</p> <p><i>Attorneys for Defendant Illinois Union Ins. Co.</i></p>
	<p><u>/s/ Robert E. Harrington</u> Robert E. Harrington, NC Bar No. 26967 rharrington@rbh.com Nathan C. Chase Jr., NC Bar No. 39314 nchase@rbh.com ROBINSON, BRADSHAW & HINSON, P.A. 101 North Tryon Street, Suite 1900</p>

	<p>Charlotte, North Carolina 28246 T: (703) 377-8387 F: (703) 373-3987</p> <p>Robyn C. Quattrone rquattrone@buckleysandler.com Katherine Halliday khalliday@buckleysandler.com (<i>pro hac vice</i> applications forthcoming) BUCKLEY SANDER LLP 1250 24th Street NW, Suite 700 Washington, DC 20037 T: (202) 349-8000 F: (202) 349-8080</p> <p><i>Attorneys for Defendants Seattle Specialty Insurance Services, Inc. in its own capacity and as successor in interest to Countrywide Insurance Services, Inc.</i></p>
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CERTIFICATE OF SERVICE

I, Bradley R. Kutrow, hereby certify that I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification to the following parties in this case:

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Dated: November 8, 2012

/s/ Steven N. Baker

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including all underwriters who underwrote
force-placed wind insurance policies for Bank
of America, as the insured during the
applicable limitations period and LLOYD'S
UNDERWRITERS AT, LONDON,

Defendants.

**[PROPOSED] ORDER GRANTING
CONSENT MOTION FOR EXTENSION
OF TIME TO RESPOND TO
PLAINTIFFS' FIRST AMENDED
COMPLAINT**

THIS MATTER IS BEFORE THE COURT on Defendants' Bank of America, N.A.,
in its own capacity and as successor by merger to BAC Home Loans Servicing, L.P, Seattle
Specialty Insurance Services, Inc. in its own capacity and as successor in interest to Countrywide
Insurance Services, Inc., and Illinois Union Insurance Company, (collectively, "Defendants"),
Consent Motion for Extension of Time to Respond to Plaintiffs' First Amended Complaint filed
November 8, 2012 (Document No. ____). Having carefully considered the Motion, the
undersigned will **GRANT** the Motion as follows:

1. It is, therefore, **ORDERED** that Defendants' Consent Motion for Extension of Time to Respond to Plaintiffs' First Amended Complaint is **GRANTED**, and the new deadline for the filing of Defendants' answers or other responses to Plaintiffs' First Amended Class Action Complaint (Document No. 40) is December 17, 2012.